

28729. Adulteration and misbranding of rubber prophylactics. U. S. v. 27½ Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 42026. Sample No. 24925-D.)

Examination of samples of these prophylactics showed that some of them were defective in that they contained holes.

On or about March 24, 1938, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27½ gross of rubber prophylactics at Columbia, S. C., alleging that the article had been shipped in interstate commerce on or about February 5, 1938, from New York, N. Y., by Gotham Sales Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Saf-T-Skin."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the statements borne on the label, "Skin * * * To prevent disease," were false and misleading.

On April 16, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28730. Adulteration and misbranding of rubber prophylactics. U. S. v. 36 Gross and 32½ Gross of Rubber Prophylactics. Default decrees of condemnation and destruction. (F. & D. Nos. 41951, 41962. Sample Nos. 11745-D, 17597-D.)

On March 16, 1938, the United States attorneys for the District of Colorado and the Western District of Virginia, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 68½ gross of rubber prophylactics, consigned by the Goodwear Rubber Co., in various lots at Denver, Colo., and Bristol, Va., alleging that the article had been shipped in interstate commerce on or about February 16, 24, and 28, 1938, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Three Dukes" or "Silverpac."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements appearing in the labeling were false and misleading: (Three Dukes) "Superlative Quality * * * Guaranteed 5 years * * * Safer prophylactics * * * For prevention of disease * * * Safe * * * 100% tested"; (Silverpac) "Non-porous smoke tested * * * Guaranteed 5 years * * * tested liquid latex * * * for prevention of disease * * * Disease Preventative * * * your health demands Silverpac. This is your seal of protection."

On March 29 and April 11, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28731. Adulteration and misbranding of rubber prophylactics. U. S. v. 18½ Gross and 5½ Gross of Rubber Prophylactics. Default decrees of condemnation and destruction. (F. & D. Nos. 41690, 41784. Sample Nos. 14003-D, 14010-D.)

Examination of samples of these prophylactics showed that some of them were defective in that they contained holes.

On February 14 and 19, 1938, the United States attorney for the District of New Hampshire, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 24½ gross of rubber prophylactics at Concord and Manchester, N. H., alleging that the article had been shipped in interstate commerce on or about November 8, 1937, and January 19, 1938, from Boston, Mass., by the Arrow Sales Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Silk Tex."

It was alleged to be adulterated in that its strength fell below the standard or quality under which it was sold.

Misbranding was alleged in that the following statements appearing in the labeling were false and misleading: "Disease Preventive * * * tested * * * Guaranteed 5 years * * * Guaranteed 100% Perfect."

On March 29, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*